

**SUMMARY MEETING MINUTES**  
**DARIEN ZONING BOARD OF APPEALS (ZBA)**  
**November 13, 2013**

**REGULAR MEETING**

Darien Town Hall - Room 206 – 7:47 to 9:45 PM

ZBA members present: Chuck Deluca, Vic Capellupo, Rich Wood, Jeff Williams and  
Ruth Anne Ramsey

Staff Present: Code Compliance Officer Robert Woodside and Recorder Judy Fazekas

**OPENING**

ZBA Chair Chuck Deluca opened the meeting at 7:47 PM. He requested cooperation and explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

**PUBLIC HEARINGS**

The following hearings were held with various plans and submitted application materials reviewed, possible correspondence and public comment considered, questions asked, and comments made by the ZBA members and Staff:

CALENDAR NO. 63-2013 - the application of James Cain and CMI doing business as Dunkin' Donuts, submitted on September 20, 2013 for an amendment to the approved plans and stipulations of Calendar No. 20-1995; to allow the previously replaced window awnings to remain. The property is situated on the northwest side of Boston Post Road approximately 50 feet west of the intersection with Corbin Drive and is shown on Assessor's Map #73 as Lot #31, being 967 Boston Post Road and located in the CBD (commercial) Zone.

Property owner Jim Cain and Director of Planning & Zoning Jeremy Ginsberg answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Jeff Walker, past ZBA member, gave back ground information on the 1995 application and ZBA consideration at that time of the subject awnings. He insisted on due process approval regarding the recent color change but he did not object to it. The Public Hearing was then closed.

**CALENDAR NO. 56-2013** - the application of William I. Haslun, II, Esq., and Ivey, Barnum & O'Mara, LLC on behalf of PR Partnership, LLC doing business as Giovanni's - Water's Edge submitted on August 14, 2013 for variances of Sections 381-387, 406, 904 and 927 of the Darien Zoning Regulations; to allow the construction of a one and one half story entry canopy addition, modification of the front dropoff, parking, and landscape areas, and the installation of signage; Sections 381-387: enlargement of a non-conforming building and intensification of a non-conforming use; Section 406: 8.9 in lieu of 30.0 feet minimum required front yard setback and 21.2 in lieu of 20.0% maximum allowable coverage; Section 904: expansion of gross floor area with a possible reduction from the approximately 33 valid parking spaces on a property with deficient existing parking quantity; and Section 927: installation of commercial use ground signage in a residential zone. The property is situated on the south side of the Boston Post Road opposite the intersection of Brookside Drive and is shown on Assessor's Map #54 as Lot #35, being 2748 Boston Post Road and located in an R-1/3 (residential) Zone.

Attorney Chip Haslun and Architect Jozsef Solta answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Neighbor Warren Mathews supported aspects of the application. Chairman Chuck Deluca asked Rich Wood and Vic Capellupo to be a sub-committee to look further into this application with staff.

The ZBA determined that additional clarification of the project circumstances was necessary. The Public Hearing was then continued to the next ZBA meeting on December 11, 2013.

**CALENDAR NO. 59-2013** - the application of Stephen K. Jones on behalf of Jodie R. Ruddy, submitted on September 18, 2013 for a variance of Section 406 and an interpretation of Section 210 of the Darien Zoning Regulations; to allow the construction of second and attic story additions with a gambrel roof break; Section 406: 12.4 in lieu of 40.0 feet minimum required front yard setback; and Section 210: an interpretation that the roof break feature does not create an eave drip line relative to the maximum height calculation. The property is situated on the south side of Old Kings Highway South at the southeast corner formed by the intersection with Andrews Drive and is shown on Assessor's Map #64 as Lot #108, being 63 Old Kings Highway South and located in an R-1/2 (residential) Zone.

Stephen Jones answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Neighbor Peter Martin fully supported the application. The Public Hearing was then closed.

**CALENDAR NO. 64-2013** - the application of Amy Zabetakis, Esq. and Rucci Law Group, LLC on behalf of Lauren Wetmore submitted on October 8, 2013 for an interpretation of Section 385 and a variance of Section 334 of the Darien Zoning Regulations; to allow the construction of a replacement two and one-half story dwelling; Section 385: a determination that the subject lot is a legal nonconforming building lot with less than 80.0 feet minimum required lot width and can be properly developed with adequate related site improvements; and Section 334: construction on a portion of the building lot with 48.0 in lieu of 80.0 feet minimum required lot width. The property is situated on the south side of West Avenue approximately 250 feet west of the intersection with Stony Brook Road and is shown on Assessor's Map #39 as Lot #89, being 109 West Avenue and located in an R-1/3 (residential) Zone.

Attorney Amy Zabetakis answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Neighbor Andrea McGee supported the application. The Public Hearing was then closed.

**CALENDAR NO. 65-2013** - the application of William & Abigail Hausberg submitted on October 15, 2013 for a variance of Section 406 of the Darien Zoning Regulations; to allow the installation of three propane tanks; Section 406: 13.9 in lieu of 25.0 feet minimum required rear yard setback. The property is situated on the east side of Rebel Lane approximately 150 feet north of the intersection with Cedar Gate Road, and is shown on Assessor's Map #64 as Lot #53, being 8 Rebel Lane and located in an R-1/2 (residential) Zone.

Property owner Will Hausberg answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

**CALENDAR NO. 66-2013** - the application of Michael & Andrea McGee submitted on October 16, 2013 for an amendment to the approved plans of Calendar No. 55-2008; to allow the previously constructed attic living space to remain. The property is situated on the south side of West Avenue approximately 75 feet west of the intersection with Stony Brook Road and is shown on Assessor's Map #39 as Lot #86, being 103 West Avenue and located in an R-1/3 (residential) Zone.

Property owner Andrea McGee answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Neighbor Lauren Wetmore supported the application. The Public Hearing was then closed.

## **DELIBERATIONS AND DECISIONS**

The following decisions were made after the ZBA members reviewed the public hearing comments, the submitted plans and other application materials, and carefully considered possible stipulations to ensure the best possible project fit among the neighboring properties:

**CALENDAR NO. 63-2013** - The application of James Cain and CMI doing business as Dunkin' Donuts, 967 Boston Post Road. Upon a motion by Ruth Anne Ramsey, seconded by Vic Capellupo, the ZBA voted 5-0 to GRANT the above delineated, requested amendment.

**CALENDAR NO. 59-2013** - The application of Stephen K. Jones on behalf of Jodie R. Ruddy, 63 Old Kings Highway South. Upon a motion by Jeff Williams, seconded by Rich Wood, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances and interpretation.

**CALENDAR NO. 64-2013** - The application of Amy Zabetakis, Esq. and Rucci Law Group, LLC on behalf of Lauren Wetmore, 109 West Avenue. Upon a motion by Chuck Deluca, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT the above delineated, requested interpretations and variance.

**CALENDAR NO. 65-2013** - The application of William & Abigail Hausberg, 8 Rebel Lane. Upon a motion by Vic Capellupo, seconded by Ruth Anne Ramsey, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variance.

**CALENDAR NO. 66-2013** - The application of Michael & Andrea McGee, 103 West Avenue. Upon a motion by Jeff William, seconded by Rich Wood, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested amendment.

## **OTHER BUSINESS**

The following additional decisions were made after the ZBA members reviewed the submitted documents, correspondence and/or project plans:

Requested amendment to the approved plans of Calendar No. 44 – 2013, 205 Post Road Development Partners, 205 Boston Post Road.

Upon a motion by Jeff Williams, seconded by Chuck Deluca, the ZBA voted 5-0 to APPROVE the requested amendment.

Approval of Minutes of meeting on September 18, 2013. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Jeff Williams, Ruth Anne Ramsey, John Ashburne, and Rich Wood.

Upon a motion by Jeff Williams, seconded by Vic Capellupo, the ZBA voted 4-0 to APPROVE the subject minutes. Those voting in favor were Jeff Williams, Vic Capellupo, Ruth Anne Ramsey and Rich Wood. Previously John Ashburne also indicated his approval

Approval of Minutes of meeting on October 16, 2013. ZBA members attending this meeting were Chuck Deluca, Vic Capellupo, Gary Greene, Ruth Anne Ramsey, and Rich Wood.

Upon a motion by Rich Wood, seconded by Vic Capellupo, the ZBA voted 4-0 to APPROVE the subject minutes. Those voting in favor were Rich Wood, Vic Capellupo, Ruth Anne Ramsey and Chuck Deluca.

Approval of Minutes of meeting on October 23, 2013. ZBA members attending this meeting were Jeff Williams, Vic Capellupo, Gary Greene, Ruth Anne Ramsey, and Rich Wood.

This matter was tabled until the next scheduled meeting on December 11, 2013.

## **ADJOURNMENT**

The meeting was adjourned at 9:45 PM.

These Meeting Minutes,  
Respectfully submitted November 15, 2013,  
by Robert Woodside,  
Code Compliance Officer  
ZBA Staff

*These Minutes were reviewed by the attending ZBA members, modified as necessary, and upon a motion by Jeff Williams, seconded by Ruth Anne Ramsey, approved by a vote of 4-0 at the ZBA meeting on January 15, 2014.*